



**Budget Testimony of the Ohio Civil Rights Commission
Before the House Finance Higher Education Subcommittee
Fiscal Years 2020 – 2021
G. Michael Payton, Executive Director
April 2, 2019**

The General Assembly, by enacting the Ohio Civil Rights Act (R.C. Chapter 4112) and creating the Ohio Civil Rights Commission (“OCRC”) approximately 60 years ago, decided there should be no safe harbor for discrimination in our state as a matter of public policy. The OCRC is the state law enforcement agency that administers Ohio’s strong public policy against discrimination by protecting the right of every person to be free from unlawful discriminatory practices where they work, live, and spend their resources and leisure time. The agency receives and investigates charges of unlawful discriminatory practices and, when necessary, litigates the charges in the areas of employment, public accommodations, housing, credit, and disability in higher education. The OCRC further provides free voluntary Alternative Dispute Resolution services (mediation) as an effective and efficient means of resolving conflict.

The OCRC is governed by five bipartisan, diverse, governor-appointed Commissioners who understand Ohio’s business and regulatory climate and the importance of equal opportunity for all persons. OCRC Commissioners meet the needs of the general public, community groups, and business interests by resolving disputes in a fair, balanced, and impartial manner.

While our civil rights laws over time have made our state and nation a better place to live and do business, unjust discrimination still exists and there is a need for continued vigilant enforcement of our civil rights laws. The OCRC secured

\$4,853,937 in monetary relief for aggrieved persons during FY 2017 and \$3,140,736 for aggrieved persons in FY 2018. The cases received by the agency range from nooses being brought into the workplace to frighten and intimidate others to egregious sexual harassment of employees and customers. Boorish unlawful discriminatory conduct continues to occur in places of public accommodation, employment, and housing. The upshot is there is still much to do to accomplish the dream and promise of freedom from discrimination.

The OCRC routinely provides well-received free proactive training and outreach to businesses and private\public organizations upon request to prevent discriminatory practices and encourage voluntary compliance with the law. The agency provides high quality, privately-funded public events such as its annual Ohio Civil Rights Hall of Fame, now in its 11th year, which is designed to recognize diverse Ohio pioneers who have made significant and historic contributions to diversity and inclusion in our state. The OCRC also hosts, among other events, an annual Dr. Martin Luther King, Jr. Art, Essay and Multimedia Contest for middle and high school students to inspire our youth to live up to our highest aspirations. The OCRC believes the provision of these services play a vital role in administering Ohio's strong public policy against discrimination.

The OCRC's administrative investigative process is informal and more cost effective for both charge filers and the business community compared to privately filed court actions where a formal and more costly adversarial process begins upon the filing of a civil complaint in court. The OCRC received 2,898 charges of discrimination in FY 2016 and 3,669 charges of discrimination FY 2018 which is a 27% increase in charge filings. The OCRC similarly closed 3,180 cases in FY 2017 and closed 3,674 cases in FY 2018, a 15.5% increase in its caseload. The average total processing time for OCRC case investigations is 124 days. The agency also provides free voluntary Alternative Dispute Resolution services (mediations) to parties as a viable alternative to resolving disputes in lieu of further governmental involvement and greater transaction costs to parties. The OCRC reached voluntary, mutually agreed settlements in over 83% of cases it mediated over the past few years with an average total processing time of 35 days. The mediation services of the agency provide quicker relief for victims of discrimination while providing all parties with an impartial, lower cost alternative to resolving disputes that would otherwise result in private, time-consuming, and more costly civil court lawsuits.

The agency was asked to fiscally fulfill its statutory mandate during the present biennium (FYs 2018 & 2019) by in part spending down a reserve of federal funds in the approximate amount of \$645,000. The spend down of federal funds in FY 2018 was used to offset the loss of General Revenue Funds (“GRF”) in the same amount of \$645,000. This offsetting arrangement permitted the agency to maintain a minimum level of services and avoid lay-offs or jobs abolishment. However, it was acknowledged and understood during the creation of the last budget that the loss of the GRF funding and offset by spending down reserve federal funds would result in a cash shortfall in the amount of \$600,000 in FY 2021 (around March\April 2021) assuming the agency received the same amount of GRF in the new FY 2020 – 2021 biennium as it did in FY 2019. The amount of the anticipated cash shortfall in FY 2021 also assumes the agency will continue to receive approximately \$2.5 million in federal funds in FYs 2020 & 2021, respectively.

Executive GRF Recommendation

The GRF executive recommendation for the OCRC is \$5,863,161 in FY 2020 and the same amount (or 0% increase) of \$5,863,161 in FY 2021 which represents a 3.5% increase in GRF from its FY 2019 funding level. This means the executive GRF recommendation will provide additional GRF in the amounts of \$198,000 and \$193,000 in FYs 2020 & 2021, respectively. This additional increase in GRF reduces the anticipated cash shortfall by approximately \$400,000, but still leaves a cash shortfall of over \$200,000. This cash shortfall includes a one-time cost of a 27th payroll in FY 2020. This cash shortfall will present an extreme challenge to the agency since it historically operates on a minimal budget with a minimal level of discretionary spending. It is our understanding that OBM intended to completely meet OCRC’s needs and stave off this cash shortfall by including a payment of the 27th payroll in the Transportation budget. Unfortunately, that provision was not enacted and given the executive recommendation funding levels in the Main Operating Budget, OCRC will still face a \$200,000 shortfall.

In the absence of a change in GRF funding levels, the agency will seek to close this anticipated cash shortfall by first attempting to somehow reduce or eliminate operating costs and if the effort fails, conducting lay-offs or jobs abolishment. We note that any lay-offs or jobs abolishment will present a daunting challenge given the increasing demands for our services as reflected in the increase in charge filings

with our agency. Lay-offs or jobs abolishment will jeopardize some of the valuable services the agency provides to the public and business community.

It is with these potentially devastating consequences in mind that we humbly and respectfully request the House increase OCRC's GRF budget by an additional \$200,000 in FY 2020 or provide another mechanism by which the agency can pay the 27th payroll in that year. Such additional funding will meet the funding levels intended by the governor and prevent a potentially disastrous cash shortfall for our small and financially prudent agency.

In summary, the agency will continue to be frugal with its resources and hopefully find some way of closing an anticipated cash shortfall of approximately \$200,000 while also resolving an increase in its caseload. The agency will make every effort to continue providing very popular and free Alternative Dispute Resolution services to parties as an efficient alternative to further government involvement and greater costs to the parties. The OCRC will also continue to provide meaningful and effective relief for victims of discrimination while providing an impartial, lower cost alternative in resolving disputes that would otherwise require private, time consuming and more costly civil court lawsuits.

Ohio Civil Rights Commission

Our Ohio - Diverse. Strong. Protected.



FY 2018 Statistics

3,669 Charges Filed

average cases per investigator: **94**

83%
of mediations
successfully resolved

average mediation processing time of **35** days

185 free trainings and outreach events conducted

Secured

\$3,140,736

in monetary benefits for victims of discrimination

Who We Are

The Ohio Civil Rights Commission (OCRC) is the state agency responsible for enforcing the state's laws against discrimination under Ohio Revised Code Chapter 4112. OCRC receives and investigates charges of discrimination in employment, places of public accommodation, housing, credit, and disability in higher education.

What We Do

OCRC has the statutory authority to:

- initiate investigations of discriminatory practices;
- formulate civil rights policies and make policy recommendations to the state or local government; and
- educate Ohio residents and businesses on their rights and responsibilities under Ohio's laws against discrimination.

Enduring With Less

FY 2007 Budget

FTEs: 142
GRF: \$7.5 million
Federal: \$3.5 million
TOTAL:
\$11.0 million

FY 2019 Budget (est.)

FTEs: 80
GRF: \$5.7 million (↓ 25%)
Federal: \$2.9 million (↓ 11%)
TOTAL:
\$8.6 million (↓ 22%)

OCRC's Impact

- OCRC provides a substantially lower cost alternative and administrative forum to resolving workplace and housing disputes that would otherwise clog our court system with private lawsuits.
- OCRC provides free, voluntary and highly effective Alternative Dispute Resolution (mediations) assistance to employers, businesses and victims of discrimination designed to resolve workplace and business disputes in lieu of more costly investigations and litigation.

- OCRC provides free anti-discrimination trainings to businesses, community groups, schools, colleges, government agencies and lawyers. These trainings prevent discrimination, protect victims of discrimination, and reduce court litigation.

Walking the Talk

OCRC was selected 2018 winner of the DAS statewide diversity and inclusion awards for our practices within the agency. OCRC earned the highest score of all participating state agencies.